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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,178	10/31/2005	Bertrand Wendling	11345/053001	7992
22511	7590	02/19/2009		
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER PEREZ, JULIO R	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 02/19/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
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Office Action Summary

Application No.

10/537,178

Applicant(s)

WENDLING, BERTRAND

Examiner

JULIO R. PEREZ

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/02/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable Dutta et al. (US007296091B1) in view of Kontio et al. (US 20040249768A1).

Regarding claims 1, 9, 11, Dutta discloses a method for distributing a message from a message administration service to a subscriber receiver of a digital multimedia network (Figure 3, #'s 10, 20, 30, shows messaging service with broadcaster 30, with communications network 20), the method comprising: retrieving a point-to-point communication address for said receiver (col. 7, lines 55-67-col. 8, lines 1-35); transferring a determined message for a determined receiver from the message administration service to a point-to-point communication system that is operatively

connected to the receiver and is distinct from the digital multimedia network (col. 7, lines 49-67-col. 8, lines 1-61; Figure 3, #'s 10-50); buffering the determined message in the point-to-point communication system (col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41); retrieving, at the determined receiver, the determined message from the point- to-point communication system (col. 10, lines 17-56)); and loading the determined message into the receiver (Figure 3, #'s 50; col. 41-56).

What Dutta does not explicitly disclose is determined message comprises access rights pertaining to the reception of data by the digital multimedia network with updating the access rights related to the reception of data by the digital multimedia network.

Kontio describe a system with downloading multimedia to devices with permission to usage of the contents within the multimedia, that is, with rights to the usage of the multimedia (Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187).

It would have been obvious to one of skilled in the art at the time of the invention to modify Dutta, such that determined message comprises access rights pertaining to the reception of data by the digital multimedia network with updating the access rights related to the reception of data by the digital multimedia network, in order to acquire contents with permission so that the contents can be provided with security.

Regarding claim 2, the combination discloses claim 1, further comprising: buffering the determined message at an emitter point in the point-to-point communication system corresponding to the message administration service (Dutta, Figure 3, #'s 10, 20, 30, generating a signal of availability at the receiver, triggering for

emission of the determined message (Dutta, Figure 3, #'s 50; col. 41-56); and upon reception of the signal of availability, emitting the determined message to the receiver (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41).

Regarding claim 3, the combination discloses claim 1, further comprising: receiving the determined message at the receiver (Dutta, Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187); and buffering receive the determined message at the receiver (Dutta, Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187).

Regarding claim 4, the combination discloses claim 1, further comprising: generating a confirmation of receipt at the receiver (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41); and emitting the confirmation of receipt to an emitter point (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41).

Regarding claim 5, the combination discloses claim 4, in which the confirmation of receipt comprises one of at least one of a plurality of items of additional information selected from the group consisting of a status of the receiver decoder, a status of a daughter smartcard used with the receiver decoder, and a version number of an element of the receiver decoder (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41).

Regarding claim 6, the combination discloses claim 5, further comprising: extracting the at least one item of additional information from the confirmation of receipt;

and evaluating the at least one item of additional information to determine a legal status of the receiver (Dutta, Figure 3, #'s 50; col. 41-56).

Regarding claim 7, the combination discloses claim 1, in which the point-to-point communication system is a mobile phone network (Kontio, Figure 9, # 130).

Regarding claim 8, the combination discloses claim 1, wherein the message administration service being included as part of a Subscriber Authorization System (Kontio, Figure 9, #'s 130, 120, 930).

Regarding claim 10, the combination discloses claim 9, further comprising: retrieving the access rights message from the storage into the determined receiver (Kontio, Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187).

Regarding claim 12, The combination discloses claim 11, wherein the mobile phone modem may receive the access rights message from the mobile phone network and store the access rights message independent of a status of the receiver (Kontio, Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187).

Regarding claim 13, The combination discloses claim 2, further comprising: receiving the determined message at the receiver and buffering the determined message at the receiver (Kontio, Figure 6, #'s 612, 614; Figure 9m #'s 930, 940; pars. 78-79; par. 187, the receiver is able to store its own passwords in order to acquire media from a server).

Regarding claim 14, The combination discloses claim 2, further comprising: generating a confirmation of receipt at the receiver; and emitting the confirmation of receipt to the emitter point (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41).

Regarding claim 15, The combination discloses claim 3, further comprising: generating a confirmation of receipt at the receiver; and emitting the confirmation of receipt to the emitter point (Dutta, col. 6, lines 45-64; col. 8, lines 51-67; col. 10, lines 17-41; Figure 3, #'s 50; col. 41-56).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. P./
Examiner, Art Unit 2617

2/09/09

/Alexander Eisen/
Supervisory Patent Examiner, Art Unit 2617